

REMARKS

Claims 1-3 and 12 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-3 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Warmuth, II et al. (U.S. Pat. No. 4,741,517, hereinafter "Warmuth"). This rejection is respectfully traversed.

Claims 1-3 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirtreiter et al. (U.S. Pat. No. 3,897,941, hereinafter "Hirtreiter") in view of Warmuth and in view of Crabtree (U.S. Pat. No. 4,763,883, hereinafter "Crabtree"). This rejection is respectfully traversed.

At the outset, Applicant respectfully disagrees with the Examiner's characterization of the cited art. First, Applicant notes that while the Examiner has cited Warmuth in his rejection of claims 1-3 and 12, there does not appear to be any support in the reference for this rejection. Specifically, the Examiner claims that Warmuth discloses "the first helix angle and the second helix angle describe a differential helix angle." The Examiner cites Figures 1-3 of Warmuth for support of this rejection. Applicant notes that the description does not support this position. The Examiner appears to be merely looking at the figures and concluding that the angles (25, 27) "appear" different. Applicant notes that the different appearance of the angles (45, 47), shown in Figure 4B is similar to that of Figure 3B. While there is no discussion of actual

angles for Figure 3B, the specification specifically discusses angles (45, 47) in Figure 4B. “[T]he bias cord angle 45 selected may be 62° for the primary strength cords of fabric layer 41 while layer 42 would be applied over layer 41 such that the bias angle 47 of the primary strength cord would be a minus 62° relative to the line 49.” Therefore, Applicant submits that angles (25, 27) cannot be interpreted as describing “a differential helix angle,” as angles (45, 47) are described as being equal. In view of the above arguments, Warmuth cannot be interpreted as disclosing that “the first helix angle is greater than the second helix angle.” There is simply no description or teaching for these conclusions. As such, Applicant submits that claim 1 distinguishes from Warmuth.

With regard to the combination of Hirtreiter, Warmuth, and Crabtree, Applicant respectfully submits that the combination is improper. Applicant notes that claim 1 specifically requires “said first and second cords being made from a material selected from a group consisting of aramid, nylon, polyester, textiles or combinations thereof.” The cords (17) cited by the Examiner in Figure 11 of Hirtreiter are composed of a metallic material. Metallic materials are not included in the group claimed in claim 1. The Examiner attempts to use Warmuth and Crabtree to teach the materials included in the group. However, there is no motivation for this combination. The combination appears to be impermissible hindsight. “The invention must not be viewed with the blueprint drawn by the inventor, but in the state of the art that existed at the time. The invention must be evaluated not through the eyes of the inventor, who may have been of exceptional skill, but as by one of ‘ordinary skill.’” Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). In Hirtreiter, the cords (17)

are specifically disclosed as metallic. There is no suggestion or motivation to make cords (17) from the materials found in the group of claim 1.

Applicant further notes that Hirtreiter actually teaches away from this combination. Specifically, Hirtreiter states that "[i]t is preferred that each of the elements 17 of the reinforcement be a relatively thin flexible cord or cable composed of strands of high modulus metal filaments being generally less flexible than the tensile resisting cords 9." Hirtreiter further states that "[e]ven though flexible cords or cables are preferred, metallic elements 17 may also take other forms. For example, solid, rigid elements such as straight or crimped metal rods, bars or slats of a relatively thin cross section may be embedded in the wall 3 of the connecting portion 13. These rods, bars or the like may be composed of any well-known metallic materials such as steel, bronze or aluminum." (emphasis added). Applicant notes the interchangeable reference to reference numeral 17 as "cords" and "metallic elements." The choice of material here is not merely a design choice, it changes cords (17) from non-tensile reinforcement elements to tensile reinforcement elements. As such, the modification is not appropriate. Therefore, Applicant submits that claim 1 distinguishes from the combination of Hirtreiter, Warmuth, and Crabtree as cited by the Examiner.

Claims 2, 3, and 12 depend from claim 1 and should be in condition for allowance for the reasons set forth above regarding claim 1. Therefore, reconsideration and withdrawal of the rejection of claims 1-3 and 12 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (734) 354-5445.

Respectfully submitted,

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